

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
DOLCE SANTOS,	:	
	:	
Plaintiff,	:	
	:	24 Civ. 9887 (LGS)
-against-	:	
	:	<u>ORDER</u>
UNITED STATES OF AMERICA,	:	
Defendant.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, the Complaint was filed on December 23, 2024;

WHEREAS, an Order filed January 23, 2025, required the parties to file joint letter and proposed case management plan (“CMP”) by February 11, 2025, in anticipation of a conference scheduled for February 19, 2025;

WHEREAS, the parties failed to file the joint letter and proposed CMP;

WHEREAS, an Order filed February 12, 2025, rescheduled the initial conference for March 18, 2025, and ordered that (i) if Plaintiff has been in communication with Defendant, for the parties to file the joint letter and proposed CMP or (ii) if Plaintiff has not been in communication with Defendant, for Plaintiff to file a status letter regarding her efforts to serve Defendants and request adjournment of the conference;

WHEREAS, in a letter dated February 18, 2025, Plaintiff’s counsel stated that she had been in communication with Defendant and requested an adjournment of the filing of the joint letter and proposed CMP. On February 19, 2025, the application was granted with a new filing deadline of March 12, 2025;

WHEREAS, the parties failed to file the preconference materials by March 12, 2025. On March 13, 2025, Plaintiff’s counsel requested “one final short adjournment” for the parties either to resolve the matter or if not, file the materials. The application was granted with a deadline to

serve Defendant by March 23, 2025 (which is the same as the statutory deadline), a new filing date of March 18, 2025, and a rescheduled conference date of March 25, 2025;

WHEREAS, Plaintiff failed to serve Defendant by March 23, 2025, and failed to file the pre-conference materials by March 18, 2025;

WHEREAS, on March 21, 2025, two days before the statutory deadline to serve Defendant, Plaintiff filed a request for summons. On March 24, 2025, the Clerk's Office notified Plaintiff's counsel that the request for summons was deficient, and no summons was issued.

WHEREAS, on March 25, 2025, Plaintiff's counsel filed another request to adjourn the conference, in which he asserted that he formally had served Defendant on March 24, 2025. No summons has been issued and no proof of service has been filed. It is hereby

ORDERED that Plaintiff shall properly serve Defendant and file a proof of service by **March 31, 2025**. It is further

ORDERED that the parties shall file the joint letter and proposed CMP by **April 7, 2025**. If Defendant does not participate, Plaintiff shall file the materials by herself. It is further

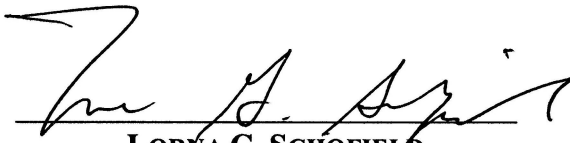
ORDERED that the initial conference scheduled for March 25, 2025, is **ADJOURNED** to **April 15, 2025**, at 3:00 P.M. **IN PERSON** at the Thurgood Marshall United States Courthouse, Southern District of New York, 40 Foley Square, New York, N.Y. at Room 1106.

As service was not accomplished within 90 days after the Complaint was filed, this Order shall serve as notice that the case will be dismissed if service is not made by March 31, 2025. *See* Fed. R. Civ. P. 4(m) ("If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time.").

If Plaintiff does not timely file the joint letter and CMP (jointly with Defendant or alone if Defendant will not participate) or if Plaintiff does not appear at the conference, the case will be dismissed for failure to prosecute.

The Clerk's Office is respectfully directed to terminate the motion at Dkt. No. 10.

Dated: March 25, 2025
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE